

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAPLAN, INC.

Plaintiff,

- against -

1:07-cv-10677-HB
ECF Case

BENNY Y. CHANG, JASON HANSON, HAMID
TORSHIZY, DOES 1 through 20, AND UNKNOWN
ENTITY d/b/a, USMLEPRO, USMLE TEST CENTER,
INC. and SIMILAR NAMES

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

Defendants.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the
Southern and Eastern Districts of New York, I, Scott Eric Bain, a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Applicant's Name: Thomas W. Kirby
Firm Name: Wiley Rein LLP
Address: 1776 K Street, N.W.
City/State/Zip: Washington, DC 20006
Phone Number: (202) 719-7062
Fax Number: (202) 719-7049

FILED
U.S. DISTRICT COURT
2008 JAN -7 2:11:44

Thomas W. Kirby is a member in good standing of the Bars of the District of Columbia and the State of
Maryland. There are no pending disciplinary proceedings against Thomas W. Kirby in any State or
Federal court.

Dated: December 21, 2007
Washington, District of Columbia

Respectfully submitted,



Scott Eric Bain (SB-1255)
The Software & Information Industry Association
Address: 1090 Vermont Avenue, N.W., Suite 600
City/State/Zip: Washington, DC 20005
Phone Number: (202) 789-4492
Fax Number: (202) 289-7097

Counsel for Plaintiff

UNITED STATES DISTRICT COURT
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**AFFIDAVIT OF SCOTT ERIC BAIN
IN SUPPORT OF MOTION TO
ADMIT COUNSEL *PRO HAC VICE***

Defendants.

City of Washington)
) ss:
District of Columbia)

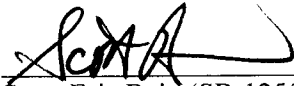
Scott Eric Bain, being duly sworn, hereby deposes and says as follows:

1. I am counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Thomas W. Kirby as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on October 25, 2005. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Thomas W. Kirby since at least 2002.
4. Mr. Kirby is a partner in the law firm Wiley Rein LLP, Washington, DC.
5. I have found Mr. Kirby to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Thomas W. Kirby, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Thomas W. Kirby, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Thomas W. Kirby, *pro hac vice*, to represent Plaintiff in the above captioned matter, be granted.

Dated: December 11th, 2007
Washington, District of Columbia

Respectfully submitted,



Scott Eric Bain (SB-1255)

The foregoing affidavit was signed and sworn
before me this 11th day of December, 2007.

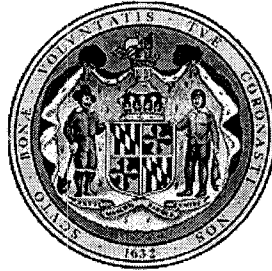
Notary Public: 

Larry E. Jefferson

Notary Public, District of Columbia

My Commission Expires: My Commission Expires 1/14/2012

**Court of Appeals
of Maryland
Annapolis, MD**



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the sixth day of June, 1988,*

Thomas W. Kirby, III

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, *I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
thirteenth day of December, 2007.*

A handwritten signature in cursive script, reading "Alexander L. Cummings".

Clerk of the Court of Appeals of Maryland



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

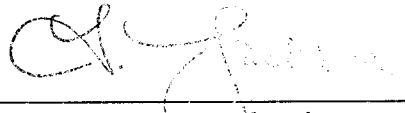
THOMAS W. KIRBY

was on the 29TH day of DECEMBER, 1975

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

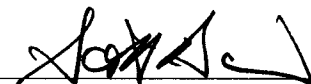
In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on December 20, 2007.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk

PROOF OF SERVICE

I Scott Eric Bain do hereby certify that the attached Motion for Admission *Pro Hac Vice*, supporting affidavit, certificates of good standing and proposed Order will be served on each Defendant herein whose identity presently is known to Plaintiff at the same time and in the same manner as the summons and complaint in this action are served on those defendants.



Scott Eric Bain (SB-1255)

December 21, 2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAPLAN, INC.

Plaintiff,

- against -

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INC. and SIMILAR NAMES

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Defendants.

Upon the motion of Scott Eric Bain, attorney for Plaintiff Kaplan, Inc. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name:	Thomas W. Kirby
Firm Name:	Wiley Rein LLP
Address:	1776 K Street, N.W.
City/State/Zip:	Washington, DC 20006
Telephone/Fax:	(202) 719-7062/(202) 719-7049
Email Address:	tkirby@wileyrein.com

is admitted to practice *pro hac vice* as counsel for Plaintiff Kaplan, Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:
City, State: New York, NY

United States District/Magistrate Judge